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UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Geographic Partitioning  
and Spectrum Disaggregation  
by 900 MHz Specialized Mobile Radio  
Service Major Trading Area Licensees

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RM-8887

PR Docket No. 93-144

To: The Commission

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COMMENTS OF NEXTEL COMMUNICATIONS, INC.

NEXTEL COMMUNICATIONS, INC.

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Dated: October 21, 1996

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**To: The Commission**

**COMMENTS OF NEXTEL COMMUNICATIONS, INC.**

**I. INTRODUCTION**

Pursuant to the October 4, 1996 Public Notice of the Federal Communications Commission ("Commission"),<sup>1/</sup> Nextel Communications, Inc. ("Nextel") respectfully submits these Comments in support of the September 30, 1996 Petition For Rulemaking ("Petition") filed by the American Mobile Telecommunications Association ("AMTA").

In the Petition, AMTA seeks modifications to the Commission's 900 MHz Specialized Mobile Radio ("SMR") rules to permit geographic partitioning and spectrum disaggregation by all 900 MHz SMR Major Trading Area ("MTA") licensees.<sup>2/</sup> As written, the Commission's rules presently allow partitioning by rural telephone companies.<sup>3/</sup> No spectrum disaggregation is permitted. Although the Commission stated that it would explore the possibility of geographic partitioning for a broader group of 900 MHz SMR

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<sup>1/</sup> Public Notice, "American Mobile Telecommunications Association, Inc. Files Petition For RuleMaking To Expand Geographic Partitioning And Spectrum Disaggregation Provisions For 900 MHz SMR," DA 96-1654, released October 4, 1996.

<sup>2/</sup> Petition at pp. 1-2.

<sup>3/</sup> 47 C.F.R. Section 90.813(a).

licensees,<sup>4/</sup> it has yet to initiate any such proceeding. Nextel files these Comments in support of AMTA's Petition; it is consistent with the Commission's policy governing other wireless telecommunications services, and it is in the public interest.

## II. DISCUSSION

Nextel agrees with AMTA that permitting geographic partitioning and spectrum disaggregation by 900 MHz SMR MTA licensees would enable the entry of more participants into the 900 MHz SMR marketplace,<sup>5/</sup> and would be consistent with Congress' objectives in Section 309(j) of the Communications Act "to promote economic opportunity for a wide variety of applicants."<sup>6/</sup> Permitting partitioning and disaggregation, moreover, would provide 900 MHz SMR licensees the same rights that the Commission is currently considering for 800 MHz SMR licensees and broadband Personal Communications Services licensees.<sup>7/</sup>

In the 800 MHz SMR Order and NPRM, the Commission proposed that 800 MHz SMR Economic Area ("EA") licensees on the Upper 200 channels should have the ability to disaggregate their spectrum

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<sup>4/</sup> Second Order on Reconsideration and Seventh Report and Order, 11 FCC Rcd 2639 (1995) ("Second Order on Reconsideration") at para. 179.

<sup>5/</sup> Petition at p. 3.

<sup>6/</sup> *Id.*

<sup>7/</sup> See First Report and Order, Eighth Report and Order, and Second Further Notice Of Proposed Rule Making, 11 FCC Rcd 1463 (1995) ("the 800 MHz SMR Order and NPRM") at para. 259-268. See also Notice of Proposed Rule Making, WT Docket No. 96-148, 11 FCC Rcd \_\_\_\_, (July 15, 1996) for the Commission's proposal to allow partitioning and disaggregation by PCS licensees.

blocks and partition their licenses on a geographic basis.<sup>8/</sup> Disaggregation, the Commission concluded, would "enable EA licensees to manage their spectrum blocks more effectively and efficiently."<sup>9/</sup> Partitioning, moreover, would further disseminate these "licenses to a wide variety of licensees."<sup>10/</sup> Similarly, 900 MHz SMR MTA licensees would benefit from the flexibility and wide dissemination of licenses provided by spectrum disaggregation and geographic partitioning. Licensees would have the flexibility to more clearly define their own service areas, a wider variety of providers could offer service to the public, and all licensees would have significant flexibility to create and provide efficient and effective SMR services. Such flexibility is in the public interest. Therefore, the Commission should permit the use of both tools by all geographic-area licensees in the 800 MHz SMR and 900 MHz SMR services.<sup>11/</sup>

### III. CONCLUSION

Spectrum disaggregation and geographic partitioning provide licensees an important tool in providing economical and efficient wireless telecommunications services to the public. The

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<sup>8/</sup> 800 MHz SMR Order and NPRM at paras. 261, 266.

<sup>9/</sup> *Id.*

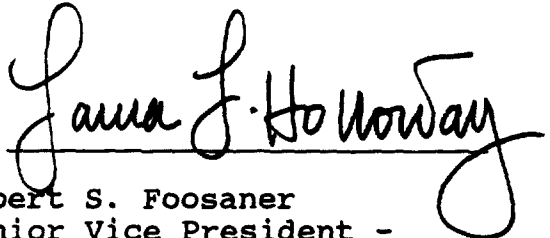
<sup>10/</sup> *Id.* at para. 266.

<sup>11/</sup> Nextel supports the use of partitioning and disaggregation by all SMR geographic licensees, including licensees who obtain an EA license on the lower 230 800 MHz SMR channels, as proposed in the Industry's Consensus Comments filed by SMR WON, AMTA and Nextel. See Joint Reply Comments of SMR WON, AMTA, and Nextel, PR Docket No. 93-144, filed March 1, 1996.

Commission, therefore, should initiate the proposed rule making and expeditiously adopt the rules proposed by AMTA.

Respectfully submitted,

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Dated: October 21, 1996

**CERTIFICATE OF SERVICE**

I, Rochelle L. Pearson, hereby certify that on this 21st day of October 1996, caused a copy of the attached Comments of Nextel Communications, Inc. to be served by hand delivery or first-class mail, postage prepaid to the following:

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